

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

American United Life Insurance
Company,

Plaintiff,

v.

Misty Williford, Debra M. Crane, Cayce
M. Tate, the Estate of Thomas R.
McKinney, the Estate of Mariann
Pearson Sherbert, the Estate of Shirley
McKinney, and Billy McKinney,

Defendants.

Civil Action No.: 7:12-cv-01713-JMC

OPINION AND ORDER

This matter is before the court upon the Magistrate Judge's Report and Recommendation ("Report") [Dkt. No. 60], filed on July 26, 2013, recommending that Defendant Misty Williford's ("Williford") Motion for Summary Judgment as to Defendant Crane [Dkt. No. 53] be denied. Additionally, the Magistrate Judge recommends that Williford's Motion for Hearing on Summary Judgment [Dkt. No. 58] be denied. The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates the Magistrate Judge's Report and Recommendation without a recitation.

STANDARD OF REVIEW

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections

are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were advised of their right to file objections to the Report and Recommendation [Dkt. No. 60, at 9]. However, no party has filed objections.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation [Dkt. No. 60] and incorporates it herein. It is therefore **ORDERED** that the Defendant Misty Williford's Motion for Summary Judgment as to Defendant Crane [Dkt. No. 53] be denied and that Williford's Motion for Hearing on Summary Judgment [Dkt. No. 58] also be denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

Greenville, South Carolina
August 19, 2013